

## **INSTRUCTIONS FOR ACCOUNT FOR MINOR**

### **I. GENERAL**

- A. Accounts must be filed with the Commissioner of Accounts. Ask the Commissioner how many copies are required to be filed.
- B. Accounts must be signed by each Guardian.
- C. The first Account must cover the period from the date of qualification through the next four months. It must be filed within six months from the date of qualification.
- D. Second and subsequent accounts are due within 16 months from the ending date of the prior account, and should cover 12 months. A final account may cover less than 12 months.
- E. Appropriate documentation to prove the account (as set forth below) must accompany the account. Whenever these instructions refer to a receipt, statement, invoice, etc., you must furnish the original of the document in question to the Commissioner. A photocopy of the original is not acceptable. If you seek to use a photocopy of a check as a voucher or receipt, a copy of both sides thereof shall be sufficient, provided such copy was made in the regular course of business in accordance with the admissibility requirements of Va. Code § 8.01-391; otherwise, the original check is required.

### **II. BEGINNING ASSETS**

- A. Use total of Parts 1 and 2 from Inventory (including Amended or Supplemental Inventory) if this is a First Account.
- B. Use total Assets on Hand from prior account if this is a Second or later account.

### **III. RECEIPTS**

- A. A guardian is required to account to the Commissioner of Accounts for the minor's Virginia income and property that the guardian has received or become chargeable with. If federal benefits, such as Social Security, Supplemental Security Income, veteran's benefits, etc., are paid on behalf of a minor to a designated representative (whether the guardian or another), and if the designated representative is required to account to a federal agency for the use of such benefits, the guardian must disclose the total amount of such federal benefits received during the accounting period in Part 2a. of the account, but the guardian does not have to account to the Commissioner of Accounts for the use of such benefits. However, if a guardian receives such federal benefits on behalf of a minor, and is not required to account to a federal agency for their use, such benefits must be disclosed in Part 2b. and accounted for in the same manner as Virginia income.
- B. Itemize in chronological order in Part 2b. all non-federal government receipts (interest, dividends, periodic payments, etc.) brought in during the account period. You may list all receipts from each payor in the same place, so long as each receipt is separately stated.
- C. Show each item of income separately. For example, show each quarterly dividend from XYZ Stock rather than showing a lump sum for the year.

### **IV. GAINS ON ASSET SALES**

- A. For securities sold by a broker, show net proceeds less carrying value of asset sold. In all other cases show total sales proceeds less costs of sale and less carrying value of asset sold.
- B. Provide original broker's statement or signed settlement sheet as verification.

V. ADJUSTMENTS

- A. If you received permission from the Commissioner of Accounts not to file a Supplemental Inventory, itemize any additional assets discovered that were not reported previously.
- B. Show any corrections to items reported on the Inventory or prior account, e.g. where the value of an asset was incorrectly reported or the number of shares was incorrectly reported.

VI. DISBURSEMENTS FOR ADMINISTRATIVE EXPENSES

- A. All disbursements for administrative expenses paid from the minor's assets should be listed in chronological order.
- B. A canceled check or a signed invoice or receipt from the payee must be provided in support of each disbursement.

VII. DISBURSEMENTS FOR CARE OF THE MINOR

- A. Do not include any disbursements from U.S. Government benefits unless the amount of these benefits has to be included in Part 2b.
- B. All disbursements for the care of the minor paid from the minor's assets should be listed in chronological order. You may group disbursements by payee. If you group disbursements you must also group your canceled checks and receipts in the same order as shown on your account.
- C. A canceled check or a signed invoice or receipt from the payee must be provided in support of each disbursement and be organized in the same order as they appear on the accounting.
- D. Where a reimbursement is made to the Guardian or another person for expenses paid on behalf of the minor, evidence of the expenses paid must be provided. The Commissioner may also require further evidence that the obligation paid was a debt or expense of the estate.

**NOTE 1:**

**If a minor has a living parent, Virginia Code Sections 31-8.1 and 31-8.2 prohibit a guardian from using any of the principal or income of the minor's estate for anything except costs of administration (e.g., filing fees, bond premiums, guardian's compensation) without FIRST (i) obtaining an order from the circuit court, or (ii) if the total of the proposed expenditures will not exceed \$3,000 during the accounting year, obtaining the consent of the Commissioner of Accounts. A guardian should consult an attorney or the Commissioner of Accounts to receive information on the exact process required.**

**NOTE 2:**

**Except as restricted by Note 1, Virginia law states that a guardian shall provide for the minor's health, education, maintenance, and support, after FIRST taking into account the minor's other sources of income, support rights and other reasonably available resources of which the guardian is aware. A guardian's expenditures should first be made from the income of the minor's estate but, if the income is not sufficient, the guardian may make expenditures from the corpus of the minor's estate.**

VIII. LOSSES ON ASSET SALES

- A. Show carrying value of assets sold less total sales proceeds.
- B. Provide copy of broker's statement or signed settlement sheet as verification.

IX. DISTRIBUTIONS

- A. Any distributions made directly to the minor should be shown on Line 8, of Page 2.
- B. When the minor reaches age 18, the guardianship ends and the remaining assets must be delivered to her or him. Show this amount on Line 8, of Page 2.
- C. A signed receipt or canceled check from the distributee must be provided.

X. ASSETS ON HAND

- A. Itemize each asset remaining on hand at its carrying value as of the ending date of this account.
- B. Where the market value of the asset is not equal to its carrying value, show the market value in parentheses within the asset description.
- C. Provide verification of the existence of each asset, i.e., bank statements (reconciled to agree with your account balance), broker's statements or original stock certificates, original notes, copies of K-1 forms.

XI. FORMAT

You must use this form or you must make a complete accounting that complies with the provisions of Virginia Code Section 26-17.3.